EDITORIAL

Searching for common ground: public access policy and the Scholarly Publishing Roundtable

The Scholarly Publishing Roundtable, which convened in June 2009 and issued its report the following January, was perhaps as notable for the range of backgrounds and experiences represented as it was for the resulting report. The members were drawn from:

> academic administration (three provosts and an association executive) and from academic libraries (three librarians), publishers of scientific journals (two from learned societies, one from an established commercial house offering a range of business models, and one from an innovative and successful open access start-up), and three researchers in the domains of library and information science. [1]

Our charge was to come to a consensus on how best to provide public access to the peer-reviewed results of federally funded research. We didn't quite get there, but we accomplished a great deal.

It would have been a singular achievement indeed to have arrived at complete consensus on the part of all members. On the other hand, the thoughtful dissents of YS Chi, vice chairman and managing director of global academic and customer relations, Elsevier, and Mark Patterson, director of publishing, Public Library of Science (PLoS), serve to set the outer boundaries of much of the discussion that still swirls around these issues [2, 3]. By highlighting those boundaries, the lack of complete agreement may actually have been for the best.

We did come to consensus on many issues: We all agreed on the key principles and most of the recommendations. There was no dissent about the need for expanding public access to the results of federally funded research and a clear consensus on the importance of the stewarded version of record. We agreed that peer review must be protected, that the need for interoperability among repositories needs to get greater attention, and that it is absolutely crucial to address long-term preservation issues.

What the dissents came down to was a matter of control and the role of government. I hope it is not a caricature of the dissents to say that, in the end, Patterson, coming from his experience with the most successful open access publisher to date, felt that the report did not call strongly enough for a firm government hand in moving expeditiously toward full open access. He believes that it is time. Informed by his experience in leadership with the most successful commercial science, technology, and medicine publisher in the world, Chi ultimately felt that the report allowed for too much government interference in achieving the public access goal. The disagreement was not over the necessity of expanded access, but over how fast to move and how strong a role the government should be allowed to take. This is an important discussion to have.

The full report and the dissents speak for themselves. What I would like to relate here is my personal experience with the roundtable and my reflections on what I think we accomplished.

I.

In early June of 2009, I had just come back from the Medical Library Association (MLA) annual meeting in Hawaii. It had been a typically hectic spring for me, but I had finished up my term on the MLA Board of Directors, and there was little on my calendar for the next several months. I had been telling people in Hawaii that I was looking forward to scaling back my professional activities for the next year or so and intended to concentrate on my library, spend as much time as possible with my granddaughter, and play more guitar. For a few days, it looked like it might happen that way.

Then I got a telephone call from Fred Dylla, chief executive officer of the American Institute of Physics. He described a project that he was involved in and wondered if I was interested in participating. He had been in discussions for some time with staff members of the House Committee on Science and Technology. The committee was interested in investigating options for improving public access to the results of federally funded research but wanted to avoid the kind of very public, contentious, sound bite–driven advocacy process that had resulted in the National Institutes of Health (NIH) public access policy.

Dylla described a process he referred to as a "staff roundtable," where a group of experts representing a broad range of views was gathered together to try to provide some consensus opinions on an important policy issue. To promote open and candid sharing of views, the discussions took place under the "Chatham House Rule": confidentially and "below the radar" of media scrutiny. Laughing, Dylla said, "This is the way policy was made before the days of C-SPAN."

I jumped at the chance. I had been dismayed for years at the way the debates about public access and open access had unfolded, how they pitted librarians and publishers against each other, how they obscured the realities of publishing economics, and how they turned what should have been substantive public policy debates into extravagant screeds about good and evil. I worried about the unintended negative consequences, about the risks for librarians in appearing naive and shrill when talking with senior faculty who often were prominent in their professional societies and in many cases were far more experienced and knowledgeable about the facts of scholarly pub-

lishing than were the librarians who were so eager to ''educate'' them.

For the previous two years, I had put much of my energy into the development of the Chicago Collaborative, the Association of Academic Health Sciences Libraries (AAHSL)–initiated effort to create a venue where people from the publishing, library, and editorial communities could come together to work on some of the grand challenges facing all of us as we attempt to take advantage of digital technologies in advancing scholarly communication. As fruitful and productive as those activities had been, however, topics like the NIH public access policy were explicitly off the table as being too contentious. The roundtable that Dylla was describing could be an opportunity to have the kind of in-depth discussion and debate that seemed to me to have been so sorely lacking. The plan was to meet several times that summer in DC and then assess how to proceed. We would have a report ready in the fall. So much for my quiet summer.

By the time of our first meeting a few weeks later, staff from the White House Office of Science and Technology Policy (OSTP) were also involved. They would be developing a public comment process on the issue of public access that fall and thought that the results of our deliberations might be a useful contribution.

Despite the contacts with congressional and OSTP staff, it is important to understand that the roundtable operated voluntarily and independently. We acted as knowledgeable individuals, hoping to provide a useful perspective to the people who would be charged with developing federal policy. But we were not part of any official process.

We brought a broad range of experience:

> One of the librarians is a professor of economics and former provost, another has broad experience in the policy sector and with international organizations, one of the provosts is also responsible for the publications of a humanities learned society, and another of the provosts has served as an editor for journals managed by both commercial and nonprofit publishers. Most members are or have spent a good portion of their careers actively involved in research and scholarship. [1]

And despite Peter Suber's concern, expressed in his initial comments on the report [4], that the perspectives of ''working scientists'' were not included, a look at the lengthy publication records of many of the members ought to reassure anyone that those perspectives were, indeed, very carefully considered [5].

II.

In December of 2008, I taught a one-week seminar for a group of medical students under the title, ''The Internet, Intellectual Property, and Their Impact on the Future of Medicine.'' The first couple of days were devoted to background on copyright, digital publishing, and the open access movement. For the final discussion at the end of the week, I had them read both the formal testimony and the transcripts of the September 11, 2008, hearing on the Fair Copyright in Research Works Act (generally referred to as the ''Conyers Bill'') [6]. The assignment for the final discussion was to give an assessment of which of the four individuals testifying had made the best arguments for their position—not necessarily which position each student most agreed with, but who they felt had the best arguments.

I have been around these issues long enough that it was easy for me to see where each of the witnesses had exaggerated their position, had misrepresented the positions of their opponents, and had used whatever emotional and rhetorical devices were available to them to try to make their case that the bill about which they were testifying (and, more importantly, the NIH public access policy, which is what the bill was actually about) was either absolutely nec-essary to the advancement of science and the well-being of the public at large or represented an immoral travesty that the Congress was duty-bound to put a stop to. The witnesses were not, of course, trying to inform Congress about the issues—they were trying to leverage votes.

My students were good. They identified some of the inner contradictions and excesses in the testimony, while they also pointed to what they felt were strong points made by each of the witnesses. But in the end, I don't think that any of them had satisfied themselves as to whether the proposed legislation was a good thing or not.

I thought back to those discussions often during the roundtable's deliberations. Our challenge was to come to the table to learn, not to come ready to do battle for a position that we had already settled on. For the most part, I think that we did that. We certainly learned a lot, and I think that for each of us, some of our preconceived notions were overturned. I wish that there were more opportunities for more people of good will to engage in such discussions.

III.

As I write this, in late May, my email has been abuzz with announcements of the introduction of the Federal Research Public Access Act (FRPAA) in the House of Representatives. I have been getting more than one message a day urging me to contact my representatives immediately to express my support.

I have no intention of doing so.

It's not because I am not firmly committed to the notion that there needs to be broad and open access to the results of federally sponsored research (or nonfederally sponsored research, for that matter). It is certainly not because I do not recognize that, in all too many cases, the subscription model of funding scholarly publishing has become an outdated and unnecessary burden to the advancement of science. I am, in other words,

firmly committed to open access. I am just not convinced that FRPAA represents the best possible public policy approach toward getting there. I have described myself as ''not a fan'' of the NIH public access policy, and I have been skeptical about FRPAA since it was first introduced in the Senate. My deliberations with the roundtable served to reinforce that skepticism.

I greatly respect the cogent dissents of Chi and Patterson, and their arguments must be taken seriously. But like the eleven other members of the roundtable, I find myself somewhere between their two positions. Unlike Chi, I believe there must be a role for the federal government in ensuring, in some fashion, public access to research results and that a private–public partnership that does not involve some level of federal intervention will be insufficient. Unlike Patterson, however, I also believe that a simplistic, one-size-fits-all, rigid, legislative mandate (like FRPAA) has the potential for far too many negative unintended consequences to balance out the benefits it purports to bring. The roundtable report seeks to achieve a balance, and I believe that if it informs the policies that will inevitably be developed by the federal funding agencies, the results will be a significant step forward.

The most important achievement of the Scholarly Publishing Roundtable is that it happened. That a group representing such disparate views could have the kinds of discussions we had and issue a report of such scope, with those all-important dissents, should stand as an indicator that the way forward is by bringing all

the stakeholders together and by listening to one another. The adversarial strategy espoused by the Scholarly Publishing and Academic Research Coalition and the Alliance for Taxpayer Access and echoed by various segments of the publishing community generates more smoke and heat than light.* It stands in the way of developing sound public policy, and, perhaps more importantly, it stands in the way of developing the kinds of strategic alliances among members of the publishing, library, research, and educational communities that are essential if we are going to create a scholarly communication infrastructure that takes advantage of digital technology in ways that best serve the public interest in all of its manifestations.

All of the members of the roundtable are committed to achieving better access to research results. We do not have complete agreement on how to do that, but the work of the roundtable testifies to a belief that working on the problem as a community represents the best way to get there.

Acknowledgments

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* See, for example, the Advocacy section of the Scholarly Publishing and Academic Research Coalition website <http://www.arl.org/sparc/advocacy/>, the Federal Research Public Access Act (FRPAA) section of the Alliance for Taxpayer Access website <http://www.taxpayeraccess.org/issues/frpaa/>, and various letters in opposition to FRPAA posted on the website of the Washington DC Principles for Free Access to Science <http://www.dcprinciples.org>. [cited 28 May 2010].